

**DEQUAN KEONTEZ CHAMBERS,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**THIS MATTER** is before the Court on its April 6, 2021, Notice of Deficiency (Doc. No. 2).

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 that was docketed in this civil action on April 6, 2021. (Doc. No. 1). Petitioner did not pay the \$5.00 filing fee or file a motion to proceed *in forma pauperis*. The Clerk of Court mailed Petitioner a Notice of Deficiency on April 6, 2021 instructing Petitioner to pay the fee or return an *in forma pauperis* application within 21 days. (Doc. No. 2). Petitioner was cautioned that the failure to do so “may result in the dismissal of this action without prejudice for failure to prosecute.” (Doc. No. 2 at 1).


Petitioner has not filed an Application to proceed *in forma pauperis* or paid the \$5.00 filing fee and the time to do so has expired. Therefore, the case will be dismissed without prejudice for failing to comply with a court order. Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a

case for lack of prosecution or violation of a court order); see, e.g., Robinson v. North Carolina, 764 F. App'x 339 (4<sup>th</sup> Cir. 2019) (affirming the dismissal without prejudice of a § 2241 petition for failure to comply with an order).

**IT IS, THEREFORE, ORDERED that:**

- (1) This action is dismissed without prejudice for Petitioner's failure to comply with this Court's April 6, 2021 Order.
- (2) The Clerk is directed to terminate this action.

Signed: May 12, 2021

  
Frank D. Whitney  
United States District Judge

